

# EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**RICHARD GRUWELL,**  
*Plaintiff,*

v.

**MIKAIL ISMAYILOV, RUSTAM  
ISMAYILOV AND GOLD STAR  
EXPRESS, LLC,**  
*Defendants.*

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**CIVIL ACTION NO. 3:21-cv-00792**

**INDEX OF STATE COURT FILE**

The following is an index identifying each state court document and the date in which each document was filed in the 162<sup>nd</sup> Judicial District Court, Dallas County, Texas.

<b>EXHIBIT</b>	<b>DATE</b>	<b>DOCUMENT</b>
<b>2</b>		State Court File
<b>2a</b>	04/07/2021	Docket Sheet
<b>2b</b>	03/22/2021	Plaintiff's Original Petition
<b>2c</b>	03/22/2021	Plaintiff's Jury Demand
<b>2d</b>	03/30/2021	Defendants' Executed Citation

## **EXHIBIT 2a**

Case Information

DC-21-03458 | RICHARD GRUWELL vs. MIKAIL ISMAYILOV, et al

Case Number	Court	Judicial Officer
DC-21-03458	162nd District Court	MOORE, MARICELA
File Date	Case Type	Case Status
03/17/2021	MOTOR VEHICLE ACCIDENT	OPEN

Party

PLAINTIFF

GRUWELL, RICHARD

Address  
C/O WITHERITE LAW GROUP  
10440 N. CENTRAL EXPRESSWAY, SUITE 400  
DALLAS TX 75231

Active Attorneys ▼  
Lead Attorney  
JOBIN, LAUREN V  
Retained

DEFENDANT

ISMAYILOV, MIKAIL

Address  
280 KUBOL DRIVE  
LAWRENCEVILLE GA 30046

DEFENDANT

ISMAYILOV, RUSTAM

Address  
280 KUBOL DRIVE  
LAWRENCEVILLE GA 30046

DEFENDANT

GOLD STAR EXPRESS, LLC

Address  
BY SERVING ITS REGISTERED AGENT, RUSTAM ISMAYILOV  
280 KUBOL DRIVE  
LAWRENCEVILLE TX 30046



**Events and Hearings**

03/17/2021 NEW CASE FILED (OCA) - CIVIL
03/17/2021 ORIGINAL PETITION ▼  ORIGINAL PETITION
03/17/2021 JURY DEMAND ▼  JURY DEMAND FORM
03/17/2021 ISSUE CITATION ▼  GOLD STAR EXPRESS, LLC - ESERVE RUSTAM ISMAYILOV - ESERVE MIKAIL ISMAYILOV - ESERVE
03/25/2021 CITATION ▼  Served 03/27/2021  Anticipated Server ESERVE  Anticipated Method Actual Server OUT OF STATE  Returned 03/30/2021 Comment GOLD STAR EXPRESS, LLC
03/25/2021 CITATION ▼  Served 03/27/2021  Anticipated Server ESERVE  Anticipated Method Actual Server OUT OF STATE  Returned 03/30/2021 Comment RUSTAM ISMAYILOV
03/25/2021 CITATION ▼

Served

03/27/2021

Anticipated Server

ESERVE

Anticipated Method

Actual Server

OUT OF STATE

Returned

03/30/2021

Comment

MIKAIL ISMAYILOV

03/30/2021 RETURN OF SERVICE ▼

EXECUTED CITATION - GOLD STAR EXPRESS, LLC

Comment

EXECUTED CITATION - GOLD STAR EXPRESS, LLC

03/30/2021 RETURN OF SERVICE ▼

EXECUTED CITATION - MIKAIL ISMAYILOV

Comment

EXECUTED CITATION - MIKAIL ISMAYILOV

03/30/2021 RETURN OF SERVICE ▼

EXECUTED CITATION - RUSTAM ISMAYILOV

Comment

EXECUTED CITATION - RUSTAM ISMAYILOV

## Financial

GRUWELL, RICHARD

Total Financial Assessment

\$356.00

Total Payments and Credits

\$356.00

3/19/2021 Transaction Assessment

\$356.00

3/19/2021 CREDIT CARD - TEXFILE  
(DC)Receipt # 16599-2021-  
DCLKGRUWELL,  
RICHARD

(\$356.00)

**Documents**

ORIGINAL PETITION

JURY DEMAND FORM

GOLD STAR EXPRESS, LLC - ESERVE

RUSTAM ISMAYILOV - ESERVE

MIKAIL ISMAYILOV - ESERVE

EXECUTED CITATION - GOLD STAR EXPRESS, LLC

EXECUTED CITATION - MIKAIL ISMAYILOV

EXECUTED CITATION - RUSTAM ISMAYILOV

## **EXHIBIT 2b**



### **III. PARTIES**

Plaintiff Richard Gruwell is an individual resident of Euless, Tarrant County, Texas. His driver's license number is \*\*\*\*\*910 and his social security number is \*\*\*-\*\*-848.

Defendant Mikail Ismayilov is an individual resident of Lawrenceville, Gwinnett County, Georgia and may be served with process at 280 Kubol Drive, Lawrenceville, Georgia 30046.

Defendant Rustam Ismayilov is an individual resident of Lawrenceville, Gwinnett County, Georgia and may be served with process at 280 Kubol Drive, Lawrenceville, Georgia 30046.

Defendant Gold Star Express, LLC is a corporation doing business in Lawrenceville, Gwinnett County, Georgia and may be served with process by serving its registered agent, Rustam Ismayilov, at 280 Kubol Drive, Lawrenceville, Georgia 30046.

### **IV. JURISDICTION AND VENUE**

The Court has jurisdiction over the controversy because the damages are within the jurisdictional limits of this Honorable Court.

This Court has venue over the parties to this action since the incident complained of herein occurred in Dallas County, Texas. Venue therefore is proper in Dallas County, Texas pursuant to the TEXAS CIVIL PRACTICE & REMEDIES CODE §15.002.

## **V. FACTS**

This lawsuit arises out of a motor vehicle collision that occurred on or about Friday, October 9, 2020 on US-67 near the Wheatland Road exit within the city limits of Dallas, Dallas County, Texas. Plaintiff Richard Gruwell (Unit 1) was operating his vehicle northbound on US-67. Defendant Mikail Ismayilov (Unit 3 towing Unit 4), whilst in the course and scope of his employment Gold Star Express, LLC, was operating his 18-wheeler behind Unit 2 which was directly behind Plaintiff's vehicle in the same lane and headed in the same direction. Defendant Mikail Ismayilov was following too closely and failed to slow and/or stop, colliding hard with the back of Unit 2, pushing Unit 2 into the back of Plaintiff's vehicle. As a result of the collision, Plaintiff was injured and continues to suffer injuries and damages from this incident.

## **VI. CAUSES OF ACTION**

### **A. NEGLIGENCE – DEFENDANT MIKAIL ISMAYILOV**

At the time of the motor vehicle collision, Defendant Mikail Ismayilov was operating his 18-wheeler negligently. Specifically, Defendant had a duty to exercise ordinary care and operate his 18-wheeler reasonably and prudently.

Defendant breached that duty in one or more of the following respects:

1. Defendant did not keep such proper lookout and attention to the roadway as a person of ordinary prudence would have kept under the same or similar circumstances;
2. Defendant did not turn his vehicle in an effort to avoid the collision;
3. Defendant did not maintain an assured clear distance between the vehicle he was driving and Plaintiff's vehicle so that, considering the speed of the vehicles, traffic, and the conditions of the highway,

Defendant could safely stop without colliding with Plaintiff's vehicle in violation of TEX. TRANSP. CODE § 545.151;

4. Defendant did not timely apply the brakes of his 18-wheeler in order to avoid the collision in question;
5. Defendant did not control his speed;
6. Defendant was operating said vehicle at a greater rate of speed than a person of ordinary care and prudence would have done under the same or similar circumstances in violation of TEX. TRANSP. CODE § 545.351; and
7. Defendant did not safely operate his tractor-trailer.

**B. NEGLIGENT ENTRUSTMENT – DEFENDANTS RUSTAM ISMAYILOV AND GOLD STAR EXPRESS, LLC**

As an additional cause of action, Plaintiff would show that at the time and on the occasion in question, Defendants Rustam Ismayilov and Gold Star Express, LLC were the owners of the vehicle driven by Defendant Mikail Ismayilov. Defendants Rustam Ismayilov and Gold Star Express, LLC entrusted the vehicle to Defendant Mikail Ismayilov. Defendant Mikail Ismayilov was unlicensed, incompetent, and/or reckless and Defendants Rustam Ismayilov and Gold Star Express, LLC knew or should have known that Defendant Mikail Ismayilov was unlicensed, incompetent, and/or reckless. Defendant Mikail Ismayilov's negligence on the occasion in question proximately caused the collision.

**C. RESPONDEAT SUPERIOR – DEFENDANTS RUSTAM ISMAYILOV AND GOLD STAR EXPRESS, LLC**

Additionally, Plaintiff would show that at the time and on the occasion complained of, Defendant Mikail Ismayilov was in the course and scope of his



employment with Defendants Rustam Ismayilov and Gold Star Express, LLC thereby making Defendants Rustam Ismayilov and Gold Star Express, LLC liable under the doctrine of *Respondeat Superior*.

**D. NEGLIGENCE – DEFENDANTS RUSTAM ISMAYILOV AND GOLD STAR EXPRESS, LLC**

Defendants Rustam Ismayilov and Gold Star Express, LLC negligently hired and retained Defendant Mikail Ismayilov. Defendants Rustam Ismayilov and Gold Star Express, LLC failed to properly qualify, train, and/or supervise Defendant Mikail Ismayilov in order to prevent collisions such as the one in question.

Each of the above and foregoing acts and omissions, singularly or in combination, constituted the negligence that was the proximate cause of the motor vehicle collision and consequently the injuries and damages of Plaintiff.

**VII. DAMAGES**

As a proximate result of Defendants' negligence, Plaintiff suffered extensive injuries and damages. As a result of Plaintiff's injuries, Plaintiff suffered the following damages:

- a. Medical expenses in the past and future;
- b. Lost wages in the past and loss of earning capacity in the future;
- c. Property damage and loss of use of Plaintiff's vehicle;
- d. Physical impairment in the past and future;
- e. Physical pain and suffering in the past and future; and
- f. Mental anguish in the past and future.

### **VIII. INTENT TO USE DEFENDANTS' DOCUMENTS**

Plaintiff hereby gives notice of intent to utilize items produced in discovery against the party producing same. The authenticity of such items is self-proven per TRCP 193.7.

### **IX. JURY TRIAL**

Plaintiff demands a trial by jury and includes the appropriate jury fees.

### **X. U.S. LIFE TABLES**

Notice is hereby given to the Defendants that Plaintiff intends to use the U.S. Life Tables as prepared by the Department of Health and Human Services.

### **XI. RELIEF**

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that Defendants be cited to appear and answer herein, and that upon final hearing thereof, Plaintiff recover judgment against Defendants for:

1. Plaintiff's past medical expenses, which are reasonable and customary for the medical care received by Plaintiff;
2. Plaintiff's future medical expenses;
3. Plaintiff's lost wages in the past and loss of earning capacity in the future;
4. Plaintiff's property damage and loss of use of Plaintiff's vehicle;
5. Plaintiff's physical pain and suffering in the past and future in an amount to be determined by the jury;
6. Plaintiff's mental anguish in the past and future in an amount to be determined by the jury;
7. Plaintiff's physical impairment in the past and future in an amount to be determined by the jury;

8. Interest on the judgment at the legal rate from the date of judgment;
9. Pre-judgment interest on Plaintiff's damages as allowed by law;
10. All costs of court; and
11. Such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,

**WITHERITE LAW GROUP, PLLC**

BY: /s/ Lauren Jobin

**LAUREN JOBIN**

State Bar No. 24081263

[lauren.jobin@witheritelaw.com](mailto:lauren.jobin@witheritelaw.com)

**SHELLY GRECO**

State Bar No. 24008168

[shelly.greco@witheritelaw.com](mailto:shelly.greco@witheritelaw.com)

10440 N. Central Expressway

Suite 400

Dallas, TX 75231-2228

214/378-6665

214/378-6670 (fax)

**ATTORNEYS FOR PLAINTIFF**

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Samantha Hanks on behalf of Lauren Jobin  
Bar No. 24081263  
Samantha.Hanks@witheritelaw.com  
Envelope ID: 51556946  
Status as of 3/19/2021 11:39 AM CST

Associated Case Party: RICHARD GRUWELL

Name	BarNumber	Email	TimestampSubmitted	Status
Samantha Hanks		samantha.hanks@witheritelaw.com	3/17/2021 12:11:15 PM	SENT
Lauren Jobin		lauren.jobin@witheritelaw.com	3/17/2021 12:11:15 PM	SENT

## **EXHIBIT 2c**



FELICIA PITRE  
DALLAS COUNTY DISTRICT CLERK

NINA MOUNTIQUE  
CHIEF DEPUTY

**CAUSE NO. DC-21-03458**

RICHARD GRUWELL

VS.

MIKAIL ISMAYILOV, et al

162nd District Court

**ENTER DEMAND FOR JURY**

JURY FEE PAID BY: RICHARD GRUWELL

FEE PAID: \$40.00

## **EXHIBIT 2d**

**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

**To: MIKAIL ISMAYILOV  
280 KUBOL DRIVE  
LAWRENCEVILLE GA 30046**

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written Answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and **petition**, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **162nd District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **RICHARD GRUWELL**

Filed in said Court **17th day of March, 2021** against

**MIKAIL ISMAYILOV, RUSTAM ISMAYILOV AND GOLD STAR EXPRESS, LLC**

For Suit, said suit being numbered **DC-21-03458**, the nature of which demand is as follows:  
Suit on **MOTOR VEHICLE ACCIDENT** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office this 25th day of March, 2021.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By *Carlenia Bouligny*, Deputy  
CARLENIA BOULIGNY



**ESERVE**

**CITATION**

**DC-21-03458**

**RICHARD GRUWELL  
Vs.  
MIKAIL ISMAYILOV, et al**

**ISSUED THIS  
25th day of March, 2021**

**FELICIA PITRE  
Clerk District Courts,  
Dallas County, Texas**

By: CARLENIA BOULIGNY, Deputy

**Attorney for Plaintiff  
LAUREN V JOBIN  
EBERSTEIN & WITHERITE LLP  
10440 N CENTRAL EXPY  
STE 400  
DALLAS TX 75231  
214-378-6665  
Lauren.jobin@witheritelaw.com**

**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**



### OFFICER'S RETURN

Case No. : DC-21-03458  
Court No. 162nd District Court  
Style: RICHARD GRUWELL  
Vs.  
MIKAIL ISMAYILOV, et al

Came to hand on the 25th day of March, 20 21, at 2 o'clock P.M. Executed at  
280 Kabul Dr. Lawrenceville, GA 30346, within the County of Gwinnett at 3:04 o'clock P. M. on the  
27th day of March, 20 21, by delivering to the within named  
Mikail Ismayilov, Individually

Each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery.

The distance actually traveled by me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ \_\_\_\_\_ Patriciajoyce Marie Dambach-Cirko

For mileage \$ \_\_\_\_\_ of Gwinnett County, Georgia

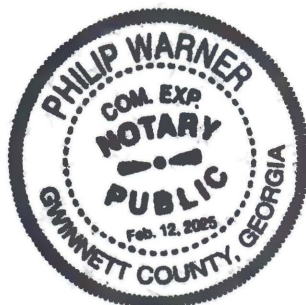
For Notary \$ \_\_\_\_\_ by Patriciajoyce Marie Dambach-Cirko Deputy /Georgia Certified Process Server  
GA C.P.S # 231

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said Patriciajoyce Marie Dambach-Cirko before me this 29 day of March, 20 21.

To certify which witness my hand and seal of office.

Notary Public Philip Warner County Gwinnett



**Automated Certificate of eService**

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Nora Garcia on behalf of Lauren Jobin  
Bar No. 24081263  
nora.garcia@witheritelaw.com  
Envelope ID: 51981423  
Status as of 3/31/2021 9:21 AM CST

Associated Case Party: RICHARD GRUWELL

Name	BarNumber	Email	TimestampSubmitted	Status
Lauren Jobin		lauren.jobin@witheritelaw.com	3/30/2021 3:26:23 PM	SENT

**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

**To: RUSTAM ISMAYILOV  
280 KUBOL DRIVE  
LAWRENCEVILLE GA 30046**

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written Answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and **petition**, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **162nd District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

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By *Carlenia Bouligny*, Deputy  
CARLENIA BOULIGNY



**ESERVE**

**CITATION**

**DC-21-03458**

**RICHARD GRUWELL  
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**ISSUED THIS  
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**FELICIA PITRE  
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Dallas County, Texas**

By: CARLENIA BOULIGNY, Deputy

**Attorney for Plaintiff  
LAUREN V JOBIN  
EBERSTEIN & WITHERITE LLP  
10440 N CENTRAL EXPY  
STE 400  
DALLAS TX 75231  
214-378-6665  
Lauren.jobin@witheritelaw.com**

**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**

**OFFICER'S RETURN**

Case No. : DC-21-03458  
Court No. 162nd District Court  
Style: RICHARD GRUWELL  
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MIKAIL ISMAYILOV, et al

Came to hand on the 25th day of March, 20 21, at 2 o'clock P.M. Executed at  
280 Kabul Dr. Lawrenceville, GA 30346, within the County of Gwinnett at 3:03 o'clock P.M. on the  
27th day of March, 20 21, by delivering to the within named  
Rustam Ismayilov, individually

Each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery.

The distance actually traveled by me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ \_\_\_\_\_ Patriciajoyce Marie Dambach-Cirko

For mileage \$ \_\_\_\_\_ of Gwinnett County, Georgia

For Notary \$ \_\_\_\_\_ by Patriciajoyce Marie Dambach-Cirko Deputy / Georgia Certified Process Server  
GA C.P.S # 231

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said Patriciajoyce Marie Dambach-Cirko before me this 29 day of March, 20 21.

To certify which witness my hand and seal of office.

Notary Public Philip Warner County Gwinnett



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nora.garcia@witheritelaw.com  
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Associated Case Party: RICHARD GRUWELL

Name	BarNumber	Email	TimestampSubmitted	Status
Lauren Jobin		lauren.jobin@witheritelaw.com	3/30/2021 3:26:23 PM	SENT



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THE STATE OF TEXAS**

**To: GOLD STAR EXPRESS, LLC  
BY SERVING ITS REGISTERED AGENT RUSTAM ISMAYILOV  
280 KUBOL DRIVE  
LAWRENCEVILLE GA 30046**

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written Answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and **petition**, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **162nd District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

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By: CARLENIA BOULIGNY, Deputy

**Attorney for Plaintiff  
LAUREN V JOBIN  
EBERSTEIN & WITHERITE LLP  
10440 N CENTRAL EXPY  
STE 400  
DALLAS TX 75231  
214-378-6665  
Lauren.jobin@witheritelaw.com**

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27th day of March, 20 21, by delivering to the within named  
Gold Star Express, LLC c/o Rustam Ismayilov, as Registered Agent

Each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery.

The distance actually traveled by me in serving such process was        miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$       

Patriciajoyce Marie Dambach-Cirko

For mileage \$       

of Gwinnett County, Georgia

For Notary \$       

by Patriciajoyce Marie Dambach-Cirko

Deputy Georgia Certified Process Server  
GA C.P.S # 231

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said Patriciajoyce Marie Dambach-Cirko before me this 29 day of March, 20 21.

To certify which witness my hand and seal of office.

Philip Warner

Notary Public Philip Warner County Gwinnett



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Nora Garcia on behalf of Lauren Jobin  
Bar No. 24081263  
nora.garcia@witheritelaw.com  
Envelope ID: 51981423  
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